

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SHABANI STEWART, for herself and all
others similarly situated,

Plaintiff,

Civil Case 2:18-cv-03277(ccc)(SCM)

-against-

EARLY WARNING SERVICES, LLC,

Defendant.

**DECLARATION OF GABRIEL POSNER, ESQ. IN SUPPORT OF FINAL
APPROVAL OF CLASS ACTION SETTLEMENT**

I, Gabriel Posner, Esq., of full age, declare under penalty of perjury as follows:

1. I am an attorney authorized to practice before this Court, and principal of Posner Law PLLC with offices at 270 Madison Avenue, suite 1203, New York, New York 10016.
2. I represent Shabani Stewart individually and on behalf of all others similarly situated in this case. I have personal knowledge of the facts stated herein.
3. I make this declaration in support of the Plaintiff's Motion for Final Approval of Class Settlement.
4. I have been licensed to practice law in New York since 2005 (except for a period between 2009 and 2013, when I did not maintain an active New York license because I resided overseas.) I have been licensed to practice law in New Jersey since 2016. In the five years following my graduation from law school, I was an associate at the law firm Cahill, Gordon & Reindel LLP, in New York, New York, where I worked almost exclusively on complex litigation.

A portion of my work at Cahill Gordon involved class action defense work, including, in at least one matter, where Plaintiffs claimed in excess of \$1 billion in damages.

5. I am experienced in handling complex litigation, and I have been plaintiff's counsel in numerous consumer related cases, including cases involving the Fair Credit Reporting Act. Today, a significant portion of my practice is concentrated in the area of plaintiff-side consumer protection law, including bringing claims under the Fair Credit Reporting Act, 15 USC §§1681 *et seq.*

6. I have detailed experience litigating EWS's disclosures under the FCRA. I was plaintiff's counsel in *Muir v. Early Warning Services, LLC*, D.N.J. 2:16-cv-00521(SRC)(CLW), which, like the present case, pertained to EWS's disclosures to consumers under the FCRA. *Muir* settled on a class-wide basis, in the context of which I was class counsel. I was class co-counsel in *Rodriguez v. AllianceOne Receivables Management*, W.D. Wa. Index 2:15-cv-01224(RAJ), involving claims under the FCRA on behalf of named Plaintiff and more than approximately 15,000 class members.

7. I was intimately involved in the settlement negotiations in this matter. The settlement is the result of extensive arms-length negotiations between the parties. The Parties engaged in mediation before the Hon. Diane Welsh (Ret.), a well-respected and experienced mediator, under the auspices of JAMS. The mediation was contentious, and both sides negotiated vigorously. At the end of the mediation, the Parties emerged with a settlement in principle. For a period of months thereafter, the Parties continued to negotiate the terms of the settlement, including with respect to the scope of the release and the process changes EWS would enact as ultimately set forth in the Settlement Agreement.

8. Based on my experience in litigating consumer matters, it is my opinion that the settlement in this matter is fair, reasonable, and adequate for the Plaintiffs and the Settlement Classes.

9. I am aware of no conflict of interest in pursuing the claims in this matter between Plaintiff or myself and the interests of the class members.

10. Pursuant to court order in this case, JND was appointed as the Class Settlement Administrator in this matter.

11. As of this date, I am aware of two objections, or potential objections, filed on the docket in this matter at ECF 44 and ECF 45.

11. I have further received several communications directly from individuals who are, or claim to be, members of the settlement classes herein and purport to object to the Settlement Agreement. I attach these letters hereto as **Exhibit A**. I address these letters more fully in the Memorandum of Law submitted herewith.

Dated: June 1, 2020

s/ Gabriel Posner, Esq.
POSNER LAW PLLC
270 Madison Avenue, Suite 1203
New York, New York
Phone: 646-546-5022
Email: gabe@PosnerLawPLLC.com
Attorney for Plaintiff and Class Counsel

Exhibit A

1. Stewart V. Early Warning Services, LLC,
Civil Action No. 2:18-CV-03277-CCC-SCM
2. Hunter Logan Tierney
2612 Spencers Trace NE
Marietta, GA 30062
678-698-6450
1033
3. I object due to lack of information
about case and having not being
wronged in any way
4. *At 3*

This letter is to my objection. I wish to object to the settlement in Stewart vs. Early Warming Services, LLC, Civil Action No. 2:18-cv-03277-CCC-SCM

Keisha Bundett
85 Arthurs Lane
Covington, GA 30016
678 908-9638
1478. S.S.

I called Early Warming Services to see if they could have my credit file sent to me from all credit companies. Experian Equifax + Transunion. all information was sent on my behalf.

Verification of membership in the Settlement Class.

Keisha Bundett

May 5, 2020

Sir + Madam

Subject to the settlement in Stewart
v Early Warning Services, LLC, Civil Action No.
2:18-EV-03277 CCC-SCM.

Catherine Eaton
1819 Exchange Ave.
East St Louis, Ill. 62205
(618) 464-9129
9370

I don't understand if the court approves
the settlement it will be binding on me, for what &
for what? I'm not in the membership of the
Settlement Class, and I don't have any papers
in support of my position.

We have enough problems
in this world, one man says there is no
problem, the other man said that it is
to cause problems. He just wants to be on TV
and in the news papers.

Thank You!

Catherine Eaton

What are the settlement terms? EWS is changing its processes for providing file disclosures in response to consumer requests and will provide disclosures that include all information maintained in a consumer's file that is used in a product or service that is subject to the FCRA. In exchange, everyone in the settlement is releasing their right to bring a claim against EWS for statutory or punitive damages, or a class action claim, relating to any violation of FCRA § 1681g (and any FCRA State Equivalent) and all claims based upon or related to the content, form, manner, or nature of the consumer disclosures provided in response to a consumer's request for the contents of the consumer's file.

Binding Effect. If the Court approves the settlement, it will be binding on you.

Your right to an Attorney. If you would like, you are entitled to appear in this matter through your own attorney at your expense. The Court will hold a hearing to evaluate the settlement on **June 22, 2020**.

Can you object to the settlement? Yes. To object, you must send a letter stating that you object to the settlement in *Stewart v. Early Warning Services, LLC*. Be sure to include: (1) the name of this lawsuit, *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM; (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a detailed explanation of the reasons you object to the settlement and any papers in support of your position; and (4) signed verification of membership in the Settlement Class. Mail your objection to all these three different places, postmarked by **May 11, 2020**:

THE COURT
Clerk of the Court
United States District Court
District of New Jersey
50 Walnut Street Room 4015
Newark, NJ 07101

CLASS COUNSEL
Gabriel Y. Posner
Posner Law PLLC
270 Madison Ave., Ste. 1203
New York, NY 10016

DEFENSE COUNSEL
Cindy D. Hanson
Troutman Sanders LLP
600 Peachtree St. NE, Ste. 3000
Atlanta, GA 30308

This is only a short form notice. For additional important information, including a long form notice, please visit www.FileDisclosureFCRASettlement.com. Additional information is also available by calling 1-888-964-1158.

*This is the card they sent me, I couldn't read to good.
I'm eighty year old and blind in my left eye with low sight
in my right eye. Didn't undersend all I was trying to read.*

Thank You!

Catherine Eaton



May 10, 2020

Clerk of Court

United States District Court, District of New Jersey
50 Walnut Street, Room 4015
Newark, New Jersey 07101

Gabriel Y. Posner, Esquire

Posner Law, PLLC
270 Madison Avenue, Suite 1203
New York, New York 10016

Cindy D. Hanson, Esquire

Troutman Sanders, LLP
600 Peachtree Street Northeast, Suite 3000
Atlanta, Georgia 30308

Re: *Shabani Stewart, et al. v. Early Warning Services, LLC*
Civil Action No. 2:18-cv-03277-CCC-SCM

Dear All Concerned Parties:

I represent Eaphie A.K. Geissel, a plaintiff party in the referenced matter. She is a member of the identified class. The last four numbers of her social security number are **9442**. All communications intended for her should be addressed to this office alone.

Ms. Geissel objects to the settlement proposed and wishes to opt out of the class in order to pursue her own claim.

Sincerely

CLINTON A. COUCH

CAC/lq

Z:\EAPHIE GEISSEL\EARLY WARNING\La dd 5-1-2020.wpd

April 21, 2020

To: Gabriel Posner

Hi my name is Jameelia Matheson. I am a Class Member of Early Warning Services FCRA Class Action. I am requesting Mediation. A Settlement for \$59.00 isn't sufficient for such Violation.

Feel free contact me

Jameelia Matheson
366 S. 2nd St #2C
Brooklyn, NY 11211

Email: jameelia.matheson@yahoo.com
Cell: 917-684-9648

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Jameelia Matheson", written in a cursive style.